

a fine of not less than Twenty-five (\$25.00) Dollars, nor more than Two Hundred (\$200.00) Dollars; for a second conviction within one year thereafter such person, corporation, receiver, or association shall be punished by a fine of not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars or imprisonment in the county jail for not more than sixty (60) days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the second conviction such person, corporation, receiver or association shall be punished by a fine of not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. It shall be the duty of the judge of the court to report forthwith to the Department of Public Safety any convictions obtained in his court under this Section, and it shall be the duty of the Department of Public Safety to keep a record thereof.

"(b) If any corporation is convicted for the violation of any provision of this Act and fails to pay the fine assessed, the district or county attorney in the county in which such conviction was had is hereby authorized to file suit in a court of competent jurisdiction against such corporation to collect such fine."

Senator Moore submitted at this time and asked to have printed in the Journal, the following proposed amendment to the bill:

Amend H. B. No. 19 by adding thereto a new Section appropriately numbered and reading as follows:

"Section .... Nothing in this Act shall in any way alter, amend, repeal or modify any part of Chapter 41, Acts Second Called Session, Forty-first Legislature."

#### Minority Report

The following minority report on S. B. No. 12 was submitted at this time:

Austin, Texas,  
March 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 12, A bill to be entitled "An Act amending Article 5510 of the

Revised Civil Statutes of 1925, relating to the ten year limitation on actions to recover lands, tenements and hereditaments so as to require the person in peaceable and adverse possession to pay all taxes without delinquency during the last five years of such adverse possession; and declaring an emergency."

Have had the same under consideration, and beg to report same back to the Senate with the recommendation that it do pass and be printed.

VICK,  
GRAVES,  
STONE.

#### Recess

Senator Metcalfe moved that the Senate recess to 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:30 o'clock p. m., took recess until 10:00 o'clock a. m. tomorrow.

### THIRTY-EIGHTH DAY

#### (CONTINUED)

(Thursday, March 20, 1941)

The Senate met at 10:00 o'clock a. m., and was called to order by President Stevenson.

#### Reports of Standing Committees

Senator Ramsey, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
March 20, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 471, A bill to be entitled "An Act repealing H. B. No. 907, Chapter 34, Special Laws, Acts of the Forty-sixth Legislature, Regular Session, known as the Road Work Law for Blanco County; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
March 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 513, A bill to be entitled "An Act creating a Special Road Law for Camp County, Texas; authorizing the commissioners' court to issue funding bonds or warrants in lieu of certain scrip warrants, and validating such scrip; providing the method of issuing the same; making it the duty of the commissioners' court to levy a tax sufficient to pay principal and interest as they mature and accrue; making the general laws pertaining to roads and bridges applicable to Camp County, Texas, and providing that the provisions of this Act shall be effective in case of conflict with any General or Special Law; providing that if any portion of this Act shall be held invalid, such holding shall not affect the other portions hereof; enacting other provisions relating to the subject; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
March 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 110, A bill to be entitled "An Act to create and dedicate a State Park in the County of Cherokee, two (2) miles northeast of the Town of Rusk, to include the homestead of General Joseph L. Hogg, the birthplace of Governor James Stephen Hogg, such as now owned by the descendants of James Stephen Hogg and the Town of Rusk and such adjacent land as may be acquired by the State Parks by donation as a part of the park to be established, said park to be known as the Jim Hogg Memorial Park; and declaring an emergency."

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
March 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 447, A bill to be entitled "An Act authorizing the county judge to employ a stenographer or clerk in any county having a population of not more than ten thousand, three hundred and ninety (10,390) and not less than ten thousand, three hundred and eighty (10,380) inhabitants, according to the last preceding Federal Census of 1940; regulating the salary of same; providing for payment of salary; providing for removal; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
March 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 366, A bill to be entitled "An Act amending Article 3902, Revised Civil Statutes of Texas of 1925, and all amendments thereto, by adding thereto a new Subsection to be known as Subsection 8; fixing the compensation of the first assistant or chief deputy and other assistants and deputies in counties of not less than twenty-four thousand, nine hundred (24,900) and not more than twenty-five thousand (25,000) inhabitants, according to the last Federal Census; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
March 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 369, A bill to be entitled "An Act fixing the salaries and traveling expenses for county commissioners in counties of not less than twenty-four thousand, nine hundred (24,900) and not more than twenty-five thousand (25,000) inhabitants; repealing all laws and parts of laws in conflict; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
March 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 408, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than ten thousand, three hundred and eighty (10,380) and not more than ten thousand, three hundred and ninety (10,390) inhabitants, according to the last preceding Federal Census, to lease any county hospital belonging to said county, and providing for the terms for said lease; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
March 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 368, A bill to be entitled "An Act providing for compensation for county auditors in certain counties; providing mode and manner of payment of such salary; and declaring an emergency."

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senator Moffett, by unanimous consent, submitted at this time the following report:

Committee Room,  
Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 398, A bill to be entitled "An Act amending Section 1 of H. B. No. 160, Acts of the First Called Session of the Forty-first Legislature, Chapter 83, page 209, as amended by H. B. No. 216, Acts of the Forty-seventh Legislature, Regular Session, by removing therefrom the restriction, limiting the land, which a city may purchase for airport purposes, to tracts of land within the county in which such city is situated; and providing that a city may acquire land by purchase, providing same be located within twelve miles of the corporate limits of such city, irrespective of whether the said land shall be within or without the boundaries of the county in which such city is located; and declaring an emergency."

Have had the same under consideration, and am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute therefor do pass, and that the committee substitute be printed in lieu thereof.

MOFFETT, Vice Chairman.

Senator Moore, by unanimous consent, submitted at this time the following report:

Senate Chamber,  
Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 351, A bill to be entitled "An Act amending subdivision 1 of Chapter 2 of Title 86 of the Revised Civil Statutes of 1925; providing for a board of examiners of land surveyors; providing for the organization of said board; defining the duties of said board; providing for examina-

tions to be given by said board; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

MOORE, Chairman.

Senator Aikin, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
March 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 402, A bill to be entitled "An Act making appropriations for the support, maintenance and improvement of the Eleemosynary and Reformatory Institutions of the State of Texas for the two-year period beginning September 1, 1941, and ending August 31, 1943; and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Kelley, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
March 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 316, A bill to be entitled "An Act amending Section 1, S. B. No. 192, Chapter 180, page 449, General Laws of the Thirty-ninth Legislature, Regular Session, 1925, to provide that any person who for four years or more has been the holder of a State first grade certificate or its equivalent and who can furnish evidence of successful experience in teaching, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the following amendment, and that the bill as amended do pass and be printed.

KELLEY, Chairman.

Austin, Texas,  
March 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 349, A bill to be entitled "An Act authorizing the Board of Regents of the University of Texas and the branches thereof, the Board of Directors of the Agricultural and Mechanical College and its branches, the Board of Directors of Texas Technological College, the Board of Regents of the State Teachers Colleges, the Board of Directors of the Texas State College for Women, and the Board of Directors of the College of Arts and Industries, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,  
March 19, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. 157, A bill to be entitled "An Act authorizing the sale of all United States Treasury Bonds held for the account of the Permanent School Fund at September 1, 1940, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,  
March 20, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 278, A bill to be entitled "An Act amending Article 2702, Revised Civil Statutes of Texas, 1925, as amended by Section 1, Chapter 348, Acts of the Forty-second Legislature; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,  
March 20, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 377, A bill to be entitled "An Act providing that all school buses shall be painted in the colors red, white and blue, in a distinctive design as herein described; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation it do pass and be printed.

KELLEY, Chairman.

#### Message from the House

The Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
March 20, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

S. C. R. No. 33, Authorizing the lending by the State Highway Department of guard wire to the Port Neches School District of Jefferson County.

S. B. No. 70, A bill to be entitled "An Act to amend: Section 8 of H. B. 440, Regular Session, Forty-fifth Legislature, Acts of 1937, Chapter 169, providing for the exemption for prescribing, administering, dispensing or selling at retail certain specified medicinal preparations containing small amounts of certain named drugs so that the same shall provide for the exception from the provisions of said Act the prescription, administration and sale at retail of any medicinal preparations containing more than one grain of codeine or of any of its salts, subject to certain conditions; and to amend Subsection (1) of Section 9 of H. B. No. 440, Regular Session, Forty-fifth Legislature, Acts of 1937, Chapter 169, providing that persons authorized to administer or pro-

fessionally use narcotic drugs shall keep a record and providing for certain exceptions wherein no record need be kept by such persons of the narcotic drugs so administered, dispensed or professionally used; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

With amendments.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Conference Committee on House Bill 271

Senator Aikin called for the consideration at this time of the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 271.

The President laid the request of the House before the Senate.

On motion of Senator Aikin, the request was granted.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Aikin, Isbell, Kelley, Moffett and Formby.

#### Signing of Bills and Resolution

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

H. B. No. 159, A bill to be entitled "An Act relating to marks and brands of livestock in Gonzales County only; amending Article 6899 of the Revised Civil Statutes of Texas, by adding thereto a new Section requiring that in said county each owner of any livestock mentioned in Chapter 1 of Title 121 of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand for such stock recorded at the office of the county clerk of said county; and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months from taking effect of this Act all records and marks and brands now in existence shall no longer have any force or effect and that after the expiration of six (6) months only the records made after this Act shall be

effective and considered the recorded marks and brands in said county; and further providing that the county clerk of said county shall publish this Act in some newspaper in general circulation in the county for a period of thirty (30) days; and declaring an emergency."

H. B. No. 303, A bill to be entitled "An Act making it unlawful to kill or attempt to kill wild turkey or trap or molest same in Colorado, Wharton, Lavaca and Jackson Counties for a period of four years; providing a penalty; repealing all conflicting laws; and declaring an emergency."

H. B. No. 330, A bill to be entitled "An Act amending S. B. No. 355, same being Chapter 338, Acts of the Regular Session of the Forty-fourth Legislature, as amended by S. B. No. 309, same being Chapter 341, Acts of the Forty-fifth Legislature, as amended by S. B. No. 99, Acts of the Regular Session of the Forty-sixth Legislature, by adding a new Section prescribing the procedure to be followed by the Assessor and Collector of Taxes of Coleman County, Texas, in paying over to the Central Colorado River Authority the moneys granted said Authority under the provisions of Section 17a of S. B. No. 99, Acts of the Regular Session of the Forty-sixth Legislature; and declaring an emergency."

S. C. R. No. 33, Authorizing Highway Department to lend guard wire to Port Neches Independent School District.

#### House Bill 5 on Passage to Third Reading

The Senate resumed consideration of the suspended pending business, same being H. B. No. 5, relating to industrial life insurance, on its passage to third reading; with committee amendment (1), offered by Senator Stone, pending.

Senator Stone was recognized to continue his address on the amendment.

By unanimous consent, Senator Stone was permitted to yield the floor with the right to continue his address when consideration of the bill is resumed, and it was agreed to take up C. S. H. B. No. 19 for further consideration at this time.

#### Committee Substitute House Bill 19 on Final Passage

The Senate resumed consideration of C. S. H. B. No. 19, the motor truck load limit bill, on its final passage; with the following amendment by Senator Lanning pending:

Amend C. S. H. B. No. 19 as amended, by striking out the figures "475" wherever they occur and insert in lieu thereof the figures "700."

Question—Shall the amendment be adopted?

The amendment was adopted unanimously.

Senator Van Zandt offered the following amendment to the bill:

(2)

Amend H. B. No. 19 by striking therefrom the provision authorizing license and weight inspectors, highway patrolmen, sheriffs, etc., to weigh trucks as placed in the bill by the Hazlewood and Lovelady amendment, and substitute in lieu thereof the following, to be identified by proper section number:

That Sec. 6 of S. B. No. 11, Chapter 42, General Laws, Second Called Session, Forty-first Legislature, be hereby amended to read as follows:

"Sec. 6. Any license and weight inspector of the Department of Public Safety, any highway patrolman or any sheriff or his duly authorized deputy having reason to believe that the gross weight of a loaded vehicle is unlawful is authorized to weigh the same by means of portable or stationary scales furnished or established by the Department of Public Safety, or cause the same to be weighed by any public weigher, and to require that such vehicle be driven to the nearest available scales in the direction of destination, for the purpose of weighing. In the event the gross weight of any such vehicle be found to exceed the maximum gross weight authorized by law, such license and weight inspector, highway patrolman, sheriff, or his duly authorized deputy shall demand and require the operator or owner thereof to unload such portion of the load as may be necessary to decrease the gross weight of such vehicle to the maximum gross weight authorized by law. Provided, however, that if such load consists of livestock, perishable merchandise, or merchandise that may be damaged or

destroyed by the weather, then such operator shall be permitted to proceed to the nearest practical unloading point in the direction of destination before discharging said excess cargo. The officers named herein are only officers authorized to enforce the provisions of this Act."

Senator Hill offered the following amendment to the amendment:

Amend Section 6 of pending Van Zandt amendment by adding the words "or constable" in line 3 after the words "authorized deputy."

Yeas and nays were demanded, and the amendment to the amendment was lost by the following vote:

Yeas—8

Chadick	Lemens
Cotten	Spears
Hill	Stone
Isbell	Sulak

Nays—23

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Van Zandt
Kelley	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

(President Pro Tempore Cotten in the Chair.)

Senator Metcalfe moved the previous question on the amendment, and the motion was duly seconded.

The main question was ordered by the following vote:

Yeas—23

Beck	Moffett
Brownlee	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Spears
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

Nays—8

Aikin	Cotten
Chadick	Fain

Isbell  
Lovelady

Stone  
Sulak

Question—Shall the amendment (2) by Senator Van Zandt be adopted?

Message from the House

The Assistant Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
March 20, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 76, Congratulating Hon. Coke R. Stevenson on his birthday.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

House Concurrent Resolution 76

On motion of Senator Moore and by unanimous consent the regular order of business was suspended to take up for consideration at this time the following resolution:

Whereas, In the blustery month of the wind  
Kimble County did the setting lend  
On the 20th day, in the year 1888  
For the birth of one whom we think great;

So on this the anniversary of his birth  
We'd like to tell him what it's been worth  
To all of us to have called him friend  
So to him now we'll just extend

Congratulations  
On the day of your birth  
Know that we are for you all the way  
Ever lead us to a brighter day.

Renowned, is he

Successful, honored  
Texas' own true patriot you see  
Ever the ideal Statesman that  
Voluntarily we salute the tall  
Earnest Governor in the big white hat

Now let us wish for this friend of all

Seasons of blessings, great and small

Occasioned by the birthday of the man whose Name we all revere.

Anyway, Coke, we're RESOLVED in both Houses to express our best wishes.

The President Pro Tempore laid the resolution before the Senate and it was adopted unanimously.

#### Committee Substitute House Bill 19 on Final Passage

The Senate resumed consideration of C. S. H. B. No. 19, the motor truck load limit bill, on its final passage, with the amendment by Senator Van Zandt pending.

The amendment was adopted by the following vote:

#### Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Van Zandt
Isbell	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

#### Nays—5

Hill	Stone
Kelley	Sulak
Lemens	

(President in the Chair.)

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 19 by striking therefrom the provision relating to the hours of service of truck drivers that were placed in said bill by the Hazlewood and Lovelady amendment, and insert in lieu thereof the following:

Amend Subsection 6cc, Chapter 277, Acts Forty-second Legislature, Regular Session, 1931 to hereafter read as follows:

"Section 6cc. No motor carrier operating in whole or in part in this State under a certificate or permit issued by the Railroad Commission of Texas, or any officer or agent of

such motor carrier, shall require or knowingly permit any truck driver or his helper to drive or operate a truck for a period longer than ten (10) consecutive hours; and whenever such driver or helper shall have been continuously on such duty for ten (10) hours, he shall be relieved and shall not be required or knowingly permitted to again go on duty until he has had at least eight (8) consecutive hours off duty; and no such driver or helper who has been on such duty ten (10) hours in the aggregate in any twenty-four (24) hour period, shall be required or knowingly permitted to continue or again go on duty without having had at least eight (8) consecutive hours off duty; and venue for prosecution under this Section shall lie in any county where said offense or any part of same is committed, provided; that in cases of emergency caused by the Act of God, or any other emergency over which the operator has no control, the foregoing restrictions as to hours shall not apply."

The amendment was adopted unanimously.

Senator Van Zandt offered the following amendment to the bill.

#### (3)

Amend H. B. No. 19 by striking therefrom all of the provisions placed in said bill by the Hazlewood and Lovelady amendment relating to penalties, etc., as evidenced by all of the provisions of said amendments except paragraph one thereof and substitute in lieu thereof a new Section to be properly numbered and read as follows:

"(a) Any person, corporation, receiver or association who violates any provision of Section five (5) of this Act (the Section fixing the gross weight of commercial motor vehicles) shall, upon conviction, be punished by a fine of not less than Twenty-five (\$25.00) Dollars, nor more than Two Hundred (\$200.00) Dollars; for a second conviction within one year thereafter such person, corporation, receiver, or association shall be punished by a fine of not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars or imprisonment in the county jail for not more than sixty (60) days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the second conviction



such person, corporation, receiver or association shall be punished by a fine of not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. It shall be the duty of the judge of the court to report forthwith to the Department of Public Safety any convictions obtained in his court under this Section, and it shall be the duty of the Department of Public Safety to keep a record thereof.

"(b) If any corporation is convicted for the violation of any provision of this Act and fails to pay the fine assessed, the district or county attorney in the county in which such conviction was had is hereby authorized to file suit in a court of competent jurisdiction against such corporation to collect such fine."

The amendment was adopted unanimously.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 19 by adding thereto a new Section approximately numbered and reading as following:

"Section .... Nothing in this Act shall in any way alter, amend, repeal or modify any part of Chapter 41, Acts Second Called Session, Forty-first Legislature."

The amendment was adopted unanimously.

By unanimous consent, the caption of the bill was ordered amended to conform to changes made in the body of the bill.

The bill (as amended) then was passed by the following vote:

#### Yeas—24

Aikin	Martin
Brownlee	Mauritz
Chadick	Metcalfe
Fain	Moffett
Formby	Ramsey
Graves	Smith
Hazlewood	Spears
Hill	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

#### Nays—5

Cotten	Stone
Isbell	Sulak
Moore	

#### Paired

Senator Shivers (present), who would vote nay with Senator Beck (absent), who would vote yea.

#### Message from the House

The Assistant Reading Clerk of the House presented the following message:

Hall of the House of Representatives,  
Austin, Texas,  
March 20, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. B. No. 199, A bill to be entitled "An Act to repeal Section 20 of Chapter 76 of Acts of 1931, Forty-fourth Legislature, Regular Session, as amended by Section 1, Chapter 15 of Acts 1937, Forty-fifth Legislature, Regular Session, as amended by Section 1 of H. B. No. 831, page 500, of Acts 1939, Forty-sixth Legislature, Regular Session; and declaring an emergency."

H. C. R. No. 77, Granting permission to House and Senate to adjourn from Thursday, March 20, 1941 to Monday, March 24, 1941.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### House Concurrent Resolution 77

The President laid before the Senate for consideration at this time:

H. C. R. No. 77, Authorizing the House and/or Senate to adjourn from Thursday, March 20, 1941, to Monday, March 24, 1941.

The resolution was read and was adopted.

#### House Bill 5 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 5, relating to industrial life insurance, on its passage to third reading, with (committee) amendment (1) pending.

Senator Stone offered the following substitute for the (committee) amendment:

Amend H. B. No. 5 by adding the following immediately ahead of the

period at the end of the last sentence of Section 7a thereof: "nor to fraternal orders, associations and societies."

The substitute was adopted.

The amendment as substituted was adopted.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 5, page 4, by striking out all of "Section 7, lines 41 to 47 inclusive."

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—4

Aikin	Vick
Hill	York

Nays—25

Brownlee	Mauritz
Chadick	Metcalf
Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Lovelady	Winfield
Martin	

Absent

Beck	Spears
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On motion of Senator Stone, the caption of the bill was amended to conform to the body of the bill.

The bill then was passed to third reading.

#### House Bill 5 on Third Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Brownlee	Hill
Chadick	Isbell
Cotten	Kelley
Fain	Lanning
Formby	Lemens
Graves	Lovelady
Hazlewood	Martin

Mauritz	Sulak
Moffett	Van Zandt
Moore	Vick
Ramsey	Weinert
Shivers	Winfield
Smith	York
Stone	

Nays—2

Aikin	Metcalf
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Absent

Beck	Spears
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Brownlee	Mauritz
Chadick	Moffett
Fain	Moore
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Lovelady	Winfield
Martin	York

Nays—6

Aikin	Isbell
Cotten	Metcalf
Hill	Vick

Absent

Beck	Spears
Ramsey	

#### House Bill 513 on Second Reading

On motion of Senator Chadick and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 513 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 513, A bill to be entitled "An Act creating a Special Road Law for Camp County, Texas; authorizing the commissioners' court to issue funding bonds or warrants in lieu of certain scrip warrants, and validating such scrip; providing the method of issuing the same; making it the duty of the commissioners' court to levy a tax sufficient to pay

principal and interest as they mature and accrue; making the general laws pertaining to roads and bridges applicable to Camp County, Texas, and providing that the provisions of this Act shall be effective in case of conflict with any general or special law; providing that if any portion of this Act shall be held invalid, such holding shall not affect the other portions hereof; enacting other provisions relating to the subject; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 513 on Third Reading

Senator Chadick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 513 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent

Beck

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Isbell
Brownlee	Kelley
Chadick	Lanning
Cotten	Lemens
Fain	Lovelady
Formby	Martin
Graves	Mauritz
Hazlewood	Metcalfe
Hill	Moffett

Moore	Van Zandt
Ramsey	Vick
Shivers	Weinert
Smith	Winfield
Stone	York
Sulak	

Absent

Beck

Spears

#### House Bill and Joint Resolutions on First Reading

The following House bill and resolutions, previously received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 199, to Committee on Oil, Gas and Conservation.

H. J. R. No. 4, to Committee on Constitutional Amendments.

H. J. R. No. 10, to Committee on Constitutional Amendments.

#### House Concurrent Resolutions Referred

The following concurrent resolutions, received from the House today, were laid before the Senate, read severally, and referred to the Committee on Public Buildings and Grounds:

H. C. R. No. 74.

H. C. R. No. 75.

#### Adjournment

Senator Formby moved that the Senate adjourn until 10:00 o'clock a. m. next Monday, March 24, 1941.

Senator Aikin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion of Senator Formby prevailed; and the Senate, accordingly, at 1:00 o'clock p. m., adjourned until 10:00 o'clock a. m. Monday, March 24, 1941.

#### Record of Vote

Senator Hill asked to be recorded as voting "nay" on the motion to adjourn.

# In Memory of

## Hon. Claude B. Hudspeth

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Senator Winfield offered the following resolution:

(Senate Resolution 67)

Whereas, On Wednesday, March 19, 1941, the Honorable Claude B. Hudspeth was called to rest from his earthly labors; and

Whereas, The passing of the Honorable Claude B. Hudspeth, who was born in the year 1877 at Medina, Bandera County, Texas, has brought to a close a long life of useful and distinguished service, including service in the House of Representatives of the State of Texas in the Twenty-eighth, Twenty-ninth, and Thirtieth Legislatures, and in the Senate of the State of Texas from the Thirty-first through the Thirty-fifth Legislatures, and he resigned from the Senate of the State of Texas to accept an appointment as District Judge of El Paso County, which position he held until he was elected to the House of Representatives of the National Congress where he served from the Sixty-sixth through the Seventy-first Congress, having voluntarily retired from public office in 1930, because of ill health; and

Whereas, The Honorable Claude B. Hudspeth was one of the most active ranchmen in the Southwest, being an organizer of "The Texas Sheep and Goat Raisers Association" and serving as a director of said organization for a quarter of a century, and also was actively engaged in the practice of law for many years; and

Whereas, He has left behind him throughout this State and Nation innumerable friends who are thinking of him this morning with tender and affectionate remembrance, and who mourn his passing; and

Whereas, It is the desire of the Senate to pay tribute to the works and memory of this noble Texan, and to extend sympathy and regard to his family; now, therefore, be it

Resolved, That the Senate of Texas, acknowledge the passing of our friend and former member, the Honorable Claude B. Hudspeth of El Paso, Comstock, and San Antonio, Texas, by having a copy of this resolution spread upon the pages of the Senate Journal today, as an expression of the love and esteem in which this faithful pioneer, rancher, and statesman of Texas was held; and be it further

Resolved, That the Secretary of the Senate be instructed to send to the family of the deceased a copy of this resolution, under his seal, and that when the Senate adjourns today, it do so in silent tribute to Claude B. Hudspeth, whose name and memory shall always abide.

WINFIELD,  
METCALFE.

Signed.—Stevenson, Lt.-Gov.; Senators Aikin, Beck, Brownlee, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Hill, Isbell, Kelley, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Ramsey, Shivers, Smith, Spears, Stone, Sulak, Van Zandt, Vick, Weinert, Winfield and York.

The resolution was read.

On motion of Senator Metcalfe and by unanimous consent, the names of all the Senators and the President of the Senate were added to the resolution.

The resolution was adopted.